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Attorneys for Federal Defendant

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

CARES, Inc., NICK ARELLANO, et al.

Plaintiffs,

v.

STATE OF CALIFORNIA; MIKE
 LEAVITT, United States Department of
 Health and Human Services Secretary;
 COUNTY OF MONTEREY, et al.

Defendants.

Case No. C-05-01026 WHA
E-FILING CASE

**STIPULATION AND ~~PROPOSED~~
 ORDER DISMISSING THE FEDERAL
 DEFENDANT**

Date: October 6, 2005
 Time: 8:00 a.m.
 Ctrm: 9, 19th Floor, SF
 Hon.: William H. Alsup

WHEREAS, plaintiffs seek to dismiss all claims against Mike Leavitt, Secretary of the
 U.S. Department of Health and Human Services ("Federal Defendant"), without prejudice,
 pursuant to Fed. R. Civ. P. 41(a)(1);

WHEREAS, each side will bear its own costs and fees, it is hereby

STIPULATED AND AGREED by and among plaintiffs and the Federal Defendant,
 through their undersigned counsel, that all claims as to the Federal Defendant are dismissed,
 without prejudice, pursuant to Fed. R. Civ. P. 41(a)(1).

Respectfully submitted,

KEVIN V. RYAN
 United States Attorney

Dated: September 29, 2005

/s/
 ANDREW Y.S. CHENG
 Assistant United States Attorney

1 Dated: September 29, 2005

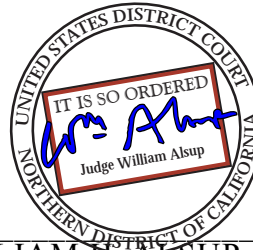
2 /s/
3 MARTHA BRONSON
4 Attorney for Plaintiff

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6 **ORDER**

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8 The Court dismisses all claims against the Federal Defendant without prejudice.
9 Each side is to bear its own costs.

10 **IT IS SO ORDERED.**

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12 Dated: September 30, 2005



13 WILLIAM H. ALSUP
14 United States District Judge

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24 STIPULATION TO DISMISS ALL CLAIMS AGAINST FEDERAL DEFENDANT, 05-1026
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